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(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. R. _____

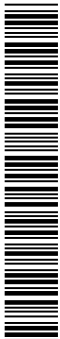
To require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States.

IN THE HOUSE OF REPRESENTATIVES

Mr. HOLT introduced the following bill; which was referred to the Committee
on _____

A BILL

To require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States.



1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REQUIREMENT FOR VIDEOTAPE RECORDINGS**
4 **OF INTERROGATIONS AND OTHER PERTI-**
5 **NENT INTERACTIONS AMONG DETAINEES OR**
6 **PRISONERS IN THE CUSTODY OF OR UNDER**
7 **THE EFFECTIVE CONTROL OF THE UNITED**
8 **STATES AND MEMBERS OF THE ARMED**
9 **FORCES OF THE UNITED STATES, INTEL-**
10 **LIGENCE OPERATIVES OF THE UNITED**
11 **STATES, AND CONTRACTORS OF THE UNITED**
12 **STATES.**

13 (a) IN GENERAL.—In accordance with the Geneva
14 Conventions of 1949, the International Covenant on Civil
15 and Political Rights, the Convention Against Torture and
16 Other Cruel, Inhuman, or Degrading Treatment or Pun-
17 ishment, and prohibitions against any cruel, unusual, and
18 inhumane treatment or punishment under the Fifth,
19 Eighth, and Fourteenth Amendments to the Constitution
20 of the United States, the President shall take such actions
21 as are necessary to ensure that any interrogations and
22 other pertinent interactions between an individual who is
23 a detainee or prisoner in the custody or under the effective
24 control of the armed forces of the United States pursuant
25 to an interrogation, or other pertinent interaction, for the



1 purpose of gathering intelligence and a member of the
2 armed forces of the United States, an intelligence opera-
3 tive of the United States, or a contractor of the United
4 States, is videotaped.

5 (b) CLASSIFICATION OF INFORMATION.—The Presi-
6 dent shall provide for the appropriate classification, to
7 protect United States national security and the privacy of
8 detainees or prisoners held by the United States, of video-
9 tapes referred to in subsection (a). Videotapes shall be
10 made available, under seal if appropriate, to both prosecu-
11 tion and defense to the extent they are material to any
12 military or civilian criminal proceeding.

13 **SEC. 2. UNFETTERED ACCESS PRISONERS AND DETAINEES**
14 **OF THE UNITED STATES TO ENSURE INDE-**
15 **PENDENT MONITORING AND TRANSPARENT**
16 **INVESTIGATIONS.**

17 The President shall take such actions as are nec-
18 essary to ensure that representatives of the following orga-
19 nizations are immediately granted unfettered access to de-
20 tainees or prisoners in the custody or under the effective
21 control of the armed forces of the United States:

22 (1) The International Federation of the Inter-
23 national Committee of the Red Cross and the Red
24 Crescent.



1 (2) The United Nations High Commissioner for
2 Human Rights.

3 (3) The United Nations Special Rapporteur on
4 Torture.

5 **SEC. 3. GUIDELINES FOR VIDEOTAPE RECORDINGS.**

6 (a) DEVELOPMENT OF GUIDELINES.—The Judge
7 Advocate General (as defined in section 801(1) of title 10,
8 United States Code, (Article I of the Uniform Code of
9 Military Justice)) shall develop guidelines designed to en-
10 sure that the videotaping required under section 1 is suffi-
11 ciently expansive to prevent any abuse of detainees and
12 prisoners referred to in section 1(a) and violations of law
13 binding on the United States, including treaties specified
14 in section 1(a).

15 (b) 30-DAY DEADLINE FOR SUBMITTAL TO CON-
16 GRESS.—Not later than 30 days after the date of the en-
17 actment of this Act, the Judge Advocate General shall
18 submit to Congress a report containing the guidelines de-
19 veloped under subsection (a).

